

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:23-cv-00009-FL

MAURKICE FOYE,

Plaintiff,

v.

MATTHEW LASSITER and ROBESON
COUNTY SHERIFF'S OFFICE,

Defendants.

**DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT**

NOW COME Defendants Matthew Lassiter and Robeson County Sheriff's Office (collectively "Defendants"), by and through the undersigned counsel, and respond to Plaintiff's Complaint, as follows:

FIRST DEFENSE

Defendants plead lack of subject matter jurisdiction and lack of personal jurisdiction pursuant to the provisions of Rules 12(b)(1) and 12(b)(2) of the Federal Rules of Civil Procedure.

SECOND DEFENSE

Defendants plead insufficient process and insufficient service of process pursuant to the provisions of Rules 12(b)(4) and 12(b)(5) of the Federal Rules of Civil Procedure.

THIRD DEFENSE

Defendants plead failure to state a claim upon which relief can be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

FOURTH DEFENSE

Defendants respond to the individually numbered paragraphs of Plaintiff's Complaint as follows:

I. THE PARTIES TO THIS COMPLAINT

A. Denied for lack of information or belief.

B. To the extent the Defendants are able to understand and respond to these allegations, it is admitted that the Defendant Matthew Lassiter is employed by the Robeson County Sheriff, which is located at 120 Legend Road Lumberton, NC 28358. Except as admitted, denied as stated.

II. BASIS FOR JURISDICTION

A, B, C, D. To the extent a response is necessary, sections A-D are denied and it is denied that the Defendants are liable to Plaintiff under any statute, law or theory.

III. STATEMENT OF CLAIM

A, B, C. The allegations in these paragraphs are denied as stated.

IV. INJURIES

The allegations are denied.

V. RELIEF

The allegations are denied and Plaintiff is not entitled to any relief.

GENERAL DENIAL

Answering Defendants deny any and all allegations within Plaintiff's Complaint not previously specifically addressed.

FIFTH DEFENSE

Defendants allege that at all times relevant to this action, they were acting without malice and with a good faith belief that their duties were carried out in accordance with the Laws and the Constitutions of the United States and the State of North Carolina, and as such, are protected by the Doctrine of governmental immunity, public officials' immunity, and qualified immunity.

SIXTH DEFENSE

Defendants did not engage in, promote or further any policy or practice which deprived Plaintiff of any rights secured by the Constitution or laws of this land, nor were any Defendant deliberately indifferent to any violations of Plaintiff's rights.

SEVENTH DEFENSE

To the extent Plaintiff's Complaint can be construed as including a plea for punitive damages, Defendants raise all defenses, rights, immunities, and limits set out in N.C. Gen. Stat. § 1D, et seq., by means of a bar or limitation as to the Plaintiff's right to recover punitive damages herein.

ADDITIONAL DEFENSES

Defendants reserve the right to amend their Answer to Plaintiff's Complaint to assert any additional affirmative defenses allowed by the Federal Rules of Civil Procedure, depending upon any evidence discovered in pursuit of this litigation.

WHEREFORE, Defendants, having fully responded to Plaintiff's Complaint, prays unto the Court as follows:

1. That Plaintiff have and recover nothing of Defendant and that Plaintiff's Complaint be dismissed with prejudice;
2. That the costs of this action be taxed against the Plaintiff;
3. That they have a trial by jury on all issues so triable; and
4. For such other and further relief as this Court deems just and proper.

This the 24th day of January, 2023.

CRANFILL SUMNER LLP

BY: /s/ PATRICK H. FLANAGAN
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 24, 2023 the foregoing *Answer* was filed electronically with the Clerk of the United States District Court for the Eastern District of North Carolina using the CM/ECF system and served the same on all of the parties to this cause by depositing a copy hereof, postage prepaid, in the United States Mail, addressed as follows:

Maurkice Foye
3525 E Elizabethtown Road TRL 114
Lumberton, NC 28358
Plaintiff Pro Se

CRANFILL SUMNER LLP

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